

Environmental Protection Agency

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EPA-APPROVED REGULATIONS IN THE VIRGINIA SIP—Continued

State citation (9 VAC 5)	Title/subject	State ef- fec- tive date	EPA approval date	Explan- ation (former SIP ci- tation)
5-40-7090	Registration	3/24/ 04.	6/24/04, 69 FR 35255.	
5-40-7100	Facility and control equipment maintenance or malfunction	3/24/ 04.	6/24/04, 69 FR 35255.	
5-40-7110	Permits	3/24/ 04.	6/24/04, 69 FR 35255.	
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§ 52.2421 Classification of regions.

The Virginia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particu- late mat- ter	Sulfur oxides	Nitrogen dioxide	Carbon mon- oxide	Photo- chemical oxidants (hydro- carbons)
Eastern Tennessee-Southwestern Virginia Interstate	I	I	III	III	III
Valley of Virginia Intrastate	I	III	III	III	III
Central Virginia Intrastate	I	III	III	III	III
Northeastern Virginia Intrastate	IA	III	III	III	III
State Capital Intrastate	I	III	III	III	I
Hampton Roads Intrastate	I	II	III	III	I
National Capital Interstate	I	I	III	I	I

[37 FR 15090, July 27, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.2422 [Reserved]

§ 52.2423 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards. The State included a provision dealing with open burning in its submittal of August 10, 1973. This provision was included for information purposes only and was not to be considered a part of the plan to implement national standards. Accordingly, this additional provision is not considered a part of the applicable plan.

(b)-(c) [Reserved]

(d) The portion of the January 11, 1979 SIP submittal pertaining to Smyth County is not approved, pending a possible redesignation of the area to attainment status.

(e) The requirements of § 51.22 are not met with respect to section 4.55(b) of

the Virginia regulations, because the regulation is not adequately enforceable. Therefore, section 4.55(b) is disapproved.

(f) Section 9 VAC 5-40-20.A.3. of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because it contradicts a previously approved section of the SIP.

(g) Section 4.31(d)(3) of Part IV of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because the substitute criteria, listed in section 4.31(d)(3), contain inherent variations in quality control which do not present an accurate representation of collection efficiency.

(h) In an April 19, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific emission limitation for James River Paper which EPA had approved

on August 18, 1983 is deleted. James River Paper Co. (now known as Custom Papers Group—Richmond, Inc.) located in Richmond, Virginia is now required to comply with the applicable Virginia SIP paper coating regulation.

(i) Pursuant to an October 31, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific Alternate Control Program (bubble) for J.W. Fergusson & Sons, Inc. which EPA had approved on March 4, 1983, is removed from the plan. J.W. Fergusson & Sons, Inc. located in Richmond, Virginia is required to comply with the Virginia SIP graphic arts RACT regulation approved by EPA on January 25, 1984 (see 40 CFR 52.2420 (c)(48) and (c)(74)).

(j) Letter of January 25, 1993, from the Commonwealth of Virginia transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

(k) The maintenance plan SIP revision, and request to redesignate the Richmond moderate ozone nonattainment area to attainment were submitted on November 12, 1992, by the Department of Environmental Quality. These requests are disapproved because review of the 1993 ambient air quality data monitored during the 1993 ozone season indicated that a violation of the ozone NAAQS occurred at the Charles City monitor in the Richmond nonattainment area. Because of the registered violation during the 1993 ozone season, the underlying basis of the Commonwealth's November 12, 1992, maintenance plan's demonstration is no longer valid.

(l) [Reserved]

(m) EPA approves as part of the Virginia State Implementation Plan the documents listed in Appendix M, Sections II.A. through II.E and Section II.G. of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Air Pollution Control on April 12, 1989.

(n) EPA approves as part of the Virginia State Implementation Plan the revised references to the documents listed in Appendix M, Sections II.A. and II.B. of the Virginia Regulations for the Control and Abatement of Air

Pollution submitted by the Virginia Department of Air Pollution Control on February 12, 1993.

(o) EPA approves the revised confidentiality of information provisions of Sections 120-02-30, submitted by the Virginia Department of Air Pollution Control on March 18, 1993, as revisions to the Virginia SIP. However, should Virginia submit a SIP revision request on behalf of a source, which contains information that has been judged confidential under the provisions of Section 120-02-30, Virginia must request EPA to consider confidentiality according to the provisions of 40 CFR part 2. EPA is obligated to keep such information confidential only if the criteria of 40 CFR part 2 are met.

(p) EPA disapproves the revised public participation provisions of Sections 120-08-01G.1 and 120-08-01G.4.b, submitted by the Virginia Department of Air Pollution Control on March 29, 1993, as revisions to the Virginia SIP. These revised provisions do not meet the requirements of 40 CFR 51.160 and 51.161. In its place, EPA retains the SIP provisions of Section 120-08-01C.1.a and 01C.4.b through d. as originally approved at §§ 52.2420(c)(69) [SIP section 2.33(a)(5)(ii)] and subsequently revised, due to format changes, at §§ 52.2420(c)(89)(i)(B)(7) [SIP section 120-08-01C.4.b].

(q) EPA approves as part of the Virginia State Implementation Plan the following revisions to the Virginia Regulations for the Control and Abatement of Pollution submitted by the Virginia Department of Environmental Quality on October 9, 1998:

(1) Subpart T of 9 VAC 5-60-100 *Designated emission standards* of Rule 6-2 (9 VAC 5-60-90 et seq.) of 9 VAC 5 Chapter 60 amended to adopt 40 CFR 63.460 through 63.469 by reference. This amendment was adopted on January 8, 1997, published in the Virginia Register of Regulations on March 31, 1997 and effective on May 1, 1997.

(2) Revised date reference to 40 CFR part 63 (July 1, 1996) contained in 9 VAC 5-60-90 (General), as it pertains to the documents listed in 9 VAC 5-60-100, Subpart T.

(r) EPA approves as part of the Virginia State Implementation Plan the revised references to the documents

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listed in Chapter 20, Section 9 VAC 5-20-21 (formerly Appendix M), Sections E.4.a.(1), E.4.a.(2), and E.7.a.(1) through E.7.a.(3), of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Environmental Quality on June 22, 1999.

[38 FR 33724, Dec. 6, 1973, as amended at 39 FR 41254, Nov. 26, 1974; 45 FR 85749, Dec. 30, 1980; 46 FR 22583, Apr. 20, 1981; 57 FR 3011, Jan. 27, 1992; 57 FR 27182, June 18, 1992; 58 FR 11377, Feb. 25, 1993; 58 FR 50848, Sept. 29, 1993; 59 FR 22758, May 3, 1994; 60 FR 43717, Aug. 23, 1995; 61 FR 16062, Apr. 11, 1996; 61 FR 38390, July 24, 1996; 64 FR 59638, Nov. 3, 1999; 65 FR 41594, July 6, 2000; 68 FR 670, Jan. 7, 2003]

EFFECTIVE DATE NOTE: At 69 FR 31897, June 8, 2004, § 52.2423 was amended by adding paragraph (s), effective Aug. 9, 2004. For the convenience of the user, the added text is set forth as follows:

§ 52.2423 Approval status.

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(s) EPA approves as part of the Virginia State Implementation Plan the references to the documents listed in 9 VAC 5 Chapter 20, Section 5-20-21, paragraph E.12 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted by the Virginia Department of Environmental Quality on February 23, 2004.

§ 52.2424 Motor vehicle emissions budgets.

(a) Motor vehicle emissions budget for the Hampton Roads maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on August 29, 1996 and submitted by the Virginia Department of Environmental Quality on August 29, 1996.

(b) Motor vehicle emissions budget for the Richmond maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on July 30, 1996 and submitted by the Virginia Department of Environmental Quality on July 30, 1996.

[62 FR 34412, June 26, 1997, as amended at 62 FR 61240, Nov. 17, 1997]

§ 52.2425 1990 Base Year Emission Inventory.

(a) EPA approves as a revision to the Virginia Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Director, Virginia Department of Environmental Quality, on November 1, 1993, April 3, 1995 and October 12, 1995. This submittal consists of the 1990 base year stationary, area and off-road mobile and on-road mobile emission inventories in the Washington Statistical Area for the pollutant, carbon monoxide (CO).

(b) EPA approves as a revision to the Virginia State Implementation Plan the 1990 base year emission inventories for the Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County ozone nonattainment areas submitted by the Director, Virginia Department of Environmental Quality on November 11, 1992, November 18, 1992, November 1, 1993, and December 15, 1994. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x).

(c) EPA approves as a revision to the Virginia State Implementation Plan the 1990 base year emission inventories for the Northern Virginia ozone nonattainment areas submitted by the Director, Virginia Department of Environmental Quality, on November 30, 1992, November 1, 1993, and April 3, 1995. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x).

(d) EPA approves as a revision to the Virginia State Implementation Plan amendments to the 1990 base year emission inventories for the Northern Virginia ozone nonattainment area submitted by the Director, Virginia Department of Environmental Quality, on December 17, 1997. This submittal consists of amendments to the 1990 base year point, area, non-road mobile, and